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SUBJECT: SENIOR IRAQI ATTORNEY DISCUSSES LEGAL DIFFICULTIES
IN BAGHDAD

Classified By: PRT Baghdad Acting Deputy Team Leader LTC Mark Haney for
Reasons 1.4(b) and (d).

11. (C) SUMMARY: Mr. Tariq Hareb, a prominent attorney in Baghdad, described to PRT staff his concerns about constitutional and legislative reforms in Iraq on May 20. He also painted a somewhat dismal picture of legal education in Iraq, advocating for more elements of US law to be injected into the Iraqi legal system. He raised concerns about the performance of Iraq's judiciary, stating that their work ethic is not compatible with the volume of pending cases. End Summary.

12. (C) On 20 May, PRT representatives met with attorney Tariq Hareb, a leader in the Baghdad bar association and president-designate of the Iraqi equivalent of the American Bar Association. Tariq discussed a broad range of concerns with PRT staff, ranging from constitutional questions to the state of legal education in Iraq.

13. (C) First, Tariq is very concerned with what he perceives as weaknesses in the Iraqi constitution which still need to be addressed by further legislation. For example, Tariq believes that an Iraqi equivalent of the US principle of habeas corpus needs to be adopted. He is concerned about detainees not having access to courts, and believes that a habeas corpus principle could be used to facilitate such access. Tariq believes that if there are to be changes in the Iraqi constitution or law, they must be sold to the people along with Islamic law, which he does not see as necessarily incompatible as a guiding principle for Iraqi law. That said, he sees independent Shariah courts as a real threat to Iraq, as they operate outside of national laws and authorities.

14. (C) Tariq is concerned about the continuing presence and power of militia groups in Iraq. He believes that the problem should be addressed by giving militia members other jobs or some form of stipend to encourage them to retire from the militias. Tariq is also concerned that the new Iraqi government is weak. IN his view, The new government has a skewed sense of what democracy means, and thinks they need not be responsive to criticism because they have been empowered by national elections.

15. (C) Tariq believes that more Iraqi law students need to be exposed to the US legal system. He would like to see more Iraqi students travel to and study in the United States. He believes that if students, 'drink from the democracy glass,

that they will not forget.' Tariq characterizes the current Iraqi legal education as very poor and inferior. Law graduates, in his estimate, are not well prepared for the practice of law. He would like to see more exposure to US professors in Iraqi law schools, which he feels have declined in the last three years. He feels that more emphasis on human rights in school may help to give Iraqi law students exposure to western legal principles. He also believes that current Iraqi law reflects too much influence from French and Egyptian legal sources, and would like to see more influence from US law and legal practice.

¶6. (C) Concerning the topic of judges in Iraq, Tariq had little good to say. He feels there is a real problem now both in terms of the quantity and quality of Iraqi judges. He explained that, even given the huge backloads of work, most judges work only four hours a day. Tariq explained that this is a long-standing practice, and one he does not see changing soon.

¶7. (C) COMMENT: Given his prominence in the Iraqi legal community, Tariq's views are likely shared by other members of Iraq's legal establishment. Tariq was interested in a continuing engagement with the Embassy to promote legal reform and capacity development in Iraq, a goal he may be able to further when he assumes the presidency of the Iraqi equivalent of the American Bar Association.
KHALILZAD